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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,839	06/20/2001	Kazuhiro Iwashita	PW 027 7004 H7521US	4125

7590 10/06/2005

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EXAMINER

SHIBRU, HELEN

ART UNIT PAPER NUMBER

2616

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/885,839

Applicant(s)

IWASHITA, KAZUHIRO

Examiner

SHIBRU HELEN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/20/2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Drawings***

1. Figure 1 is objected to under 37 CFR 1.83(a) because the proper labels or legend corresponding to all blocks must be provided as described in the specification. In this figure unit 11 must be labeled as "MASS STORAGE". Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Watkins (US Pat. No. 6,901,207).

Regarding claim 1, Watkins discloses a video playback control apparatus (DVD player (30) in fig. 1) which continuously plays back (see col. 7 lines 8-11, col. 13 lines 41-45, col. 20 lines 57-65. The DVD player can switch channels from one A/V source to another and continue playback within the threshold value) first video data supplied from a medium (see CD (32) DISK (48) in fig. 1 and col. 7 lines 3-4, 11-13, col. 8 lines 52-54, col. 25 lines 51-53) and second video data supplied from communication system (see col. 7 lines 4-5, 13-18, col. 7 lines 57-62, fig. 1 antenna (34), cable (36), satellite (38), world wide web (40), and fig. 2 communication link (60)), while combining the first and second other (see col. 6 line 66-col. 7 line 2).

Regarding claim 2, Watkins discloses the first video data is video data on main part movie (see col. 9 lines 10-14) , and the second video data data trailer and an advertisement (see col. 13 lines 36-44 and col. 14 lines 42-48. Both the sporting event and the commercial come from broadcast).

Regarding claim 3, Watkins discloses wherein the trailer and the advertisement are to be played prior to the main part of the movie (see col. 8 lines 54-62 the user can determine that the commercial to be played prior to the DVD content).

Regarding claim 4, Watkins discloses plural sets (plural channels) of the second video data are supplied from the communication system (see col. 13 lines 39-41 and col. 25 lines 60-

67), and wherein at least one of the sets of the second video data, and the first video data are continuously played back while being combined with each other (see rejections of claim 1).

Regarding claim 5, Note to the Applicant: The examiner considers the Applicant's "at least one of" language to be anticipated by any reference containing one of the subsequent corresponding elements. Watkins discloses the sets of the second video data, which combined with the first video data, is selected on the basis of information on a kind of the first video data (see col. 15 lines 3-34).

Regarding claim 6, the limitations of claim 6 can be found in claim 4 above. Therefore claim 6 is analyzed and rejected for the same reason as discussed in claim 4 above.

Regarding claim 7, the limitations of claim 7 can be found in claim 5 above. Therefore claim 7 is analyzed and rejected for the same reason as discussed in claim 5 above.

Regarding claim 8, Watkins discloses a video playback control apparatus (see DVD player (30) in fig. 1), comprising:

a medium reading section (see fig. 1 DVD drive (42)) which outputs first video data recorded on a medium (see col. 8 lines 30-32);

a communication control section (see fig. 1 antenna (34), cable (36), satellite (38), world wide web (40)) which receives second video a communication device from a separate distribution center that is disposed independently of the video playback control apparatus (see col. 7 lines 50-55);

a control section (see decode and process (58) in fig. 1), to which the medium playback section and the communication control section are connected, and which controls the first video

data and the second video data so that the first video data and the second video data are continuously played back while being combined with each other (see col. 7 lines 29-40).

Regarding claim 15, the limitations of claim 15 can be found in claim 1 above. Therefore claim 15 is analyzed and rejected for the same reason as discussed in claim 1 above.

Regarding claims 9 and 16, the limitations of claims 9 and 16 can be found in claim 2 above. Therefore claims 9 and 16 are analyzed and rejected for the same reason as discussed in claim 2 above.

Regarding claims 10 and 17, the limitations of claims 10 and 17 can be found in claim 3 above. Therefore claims 10 and 17 are analyzed and rejected for the same reason as discussed in claim 3 above.

Regarding claims 11, 13, 18, and 20 the limitations of claims 11, 13, 18 and 20 can be found in claim 4 above. Therefore claims 11, 13, 18, and 20 are analyzed and rejected for the same reason as discussed in claim 4 above.

Regarding claims 12, 14, 19, and 21 the limitations of claims 12, 14, 19, and 21 can be found in claim 4 above. Therefore claims 12, 14, 19, and 21 are analyzed and rejected for the same reason as discussed in claim 5 above.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

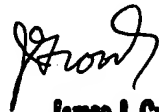
Yuen (US Pat # 6,147,715) discloses a playback apparatus which plays back a combination of VCR content, Tuner, EPG, and indexing and searching.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen Shibru whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru  
September 23, 2005

  
**James J. Groody**  
**Supervisory Patent Examiner**  
**Art Unit 262** 2616